

EXHIBIT H

REDACTED

ECF No. 43-8

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: AMERICAN MEDICAL) No.10-MD-2904
COLLECTION AGENCY, INC.) (MCA)(MAH)
CUSTOMER DATA SECURITY)
BREACH LITIGATION)

This Document Relates to:
Quest/Optum Track

DEPOSITION OF JUAN PABLO LAKE

Taken in the law offices of Hogan Lovells,
1735 Market Street, Philadelphia, Pennsylvania,
on Thursday, March 16, 2023, commencing at
9:00 a.m., by Leandra M. Stoudt, RPR, CBC, CCP,
CRR, Notary Public.

APPEARANCES:

SEEGER WEISS LLP

By: Frazar Thomas, Esq.
1515 Market St. Suite 1380
Philadelphia, PA 19102
fthomas@seegerweiss.com

And

SEEGER WEISS LLP

By: Christopher Ayers, Esq.
55 Challenger Road
Ridgefield Park, NJ 07660
CAyers@seegerweiss.com
-- For Plaintiff AMCA

1 APPEARANCES (Continued):

2 ALSTON & BIRD, LLP

By: Troy Stram, Esq.

3 One Atlantic Center 1201 West Peachtree Street,
Suite 4900

4 Atlanta, GA 30309

troy.stram@alston.com

5 404-881-7256

6 And

7 ALSTON & BIRD, LLP

By: Donald Houser, Esq.

8 One Atlantic Center 1201 West Peachtree Street,
Suite 4900

9 Atlanta, GA 30309

donald.houser@alston.com

10 404-881-7000

11 And

12 SIDLEY AUSTIN LLP

By: Eamon P. Joyce, Esq.

13 787 Seventh Ave

New York, NY 10019

14 ejoyce@sidley.com

212-839-8555

15 -- For Quest/Optum

16 And

17 Brian W. Thomson, Esq.

Senior Associate General Counsel - Optum360

18 1-952-205-7871

19
20
21 ALSO PRESENT: Philip Leaf, Videographer
and Alexa Pastor, Concierge

1 MR. JOYCE: Eamon Joyce of Sidley
2 Austin LLP on behalf of Quest Diagnostics and the
3 witness in his capacity as a Quest Diagnostics
4 employee.

5 MR. THOMAS: Frazier Thomas from
6 Seeger Weiss for the Plaintiffs.

7 MR. ERS: Chris Ers from Seeger Weiss
8 on behalf of the Plaintiffs.

9 THE VIDEOGRAPHER: Court reporter,
10 please swear in the witness.

11 JUAN PABLO LAKE, having been
12 duly sworn, was examined and testified as follow:

13 * * *

14 EXAMINATION

15 BY MR. THOMAS:

16 Q. All right. Hello, Mr. Lake. I know
17 we met earlier, but my name is Frazier Thomas.
18 Like I just said, I'm from the law firm of Seeger
19 Weiss, and I represent the Plaintiffs.

20 Thank you for your sacrifice in being
21 here today.

22 A. (Witness nods head.)

23 Q. Could you just tell me your name for
24 the record?

25 A. Juan Pablo Lake.

1 A. No.

2 Q. So you just logistically, not this
3 one, just in general, logistically, do you have an
4 understanding of how a Clarity request would work?

5 A. No.

6 Q. Do you also, do you have any
7 understanding of why -- well, here, let me first
8 ask this. Is 2009 ten years before 2019?

9 A. Yes.

10 Q. Do you have -- sometimes they're
11 easy.

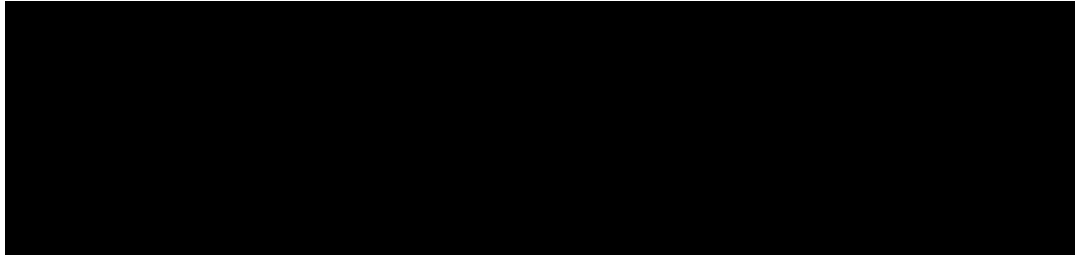
12 Do you have an understanding of why,
13 if the practice of allowing vendors to submit
14 CMS-1500 claims ceased in 2009 or earlier, why an
15 ITF or ITRFS asking them to stop transmission of
16 diagnosis data was not submitted until 2018?

17 MR. STRAM: Object to form.
18 Foundation. Instruct the witness not to answer to
19 the extent he has information learned through
20 counsel in this topic.

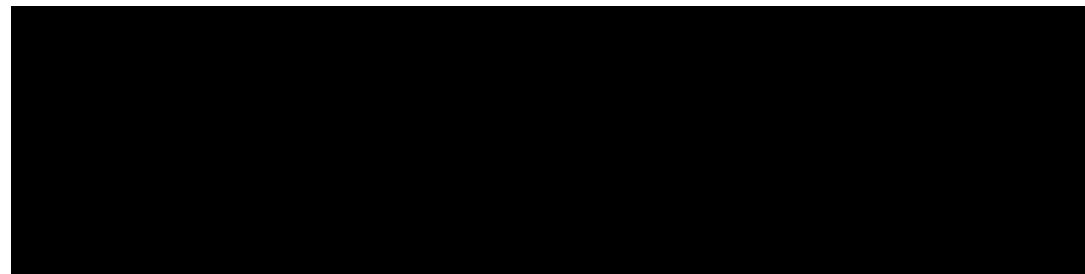
21 MR. JOYCE: Same objections.

22 A. So diagnosis code was a data element
23 that was frequently discussed with patients when
24 they called collection agencies or internally to
25 the 500 customer service agents that I had at the

1 time. So diagnosis and procedure code data
2 basically explained why they were getting a bill
3 in many circumstances.



4
5
6
7
8 MR. JOYCE: Objection. Asked and
9 answered.



10
11
12
13
14 Q. And I think you just mentioned that
15 -- well, here. You believe AMCA may have
16 continued submitting CMS-1500 claims forms after
17 Quest no longer allowed you to do so? Is that
18 correct?

19 MR. JOYCE: Objection.

20 MR. STRAM: Object to form.
21 Foundation.

22 MR. JOYCE: And misstates the
23 testimony. I think the witness said he didn't
24 know.

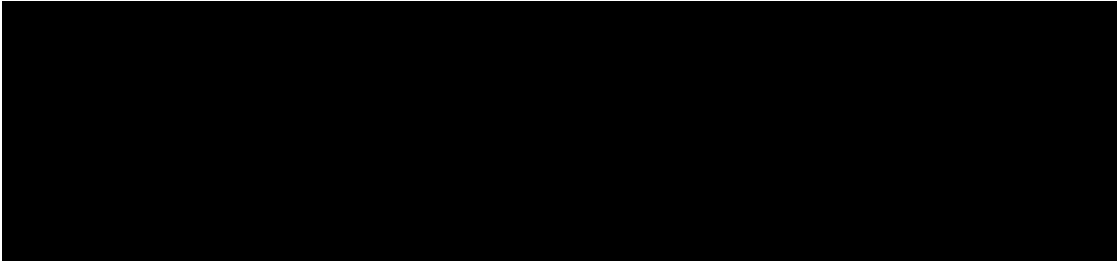
25 A. I didn't know. But, I know that

1 only submit the minimum necessary data to perform
2 collections?

3 MR. JOYCE: Objection. Foundation
4 and form. If you're asking for Mr. Lake's
5 individual testimony, that's one thing. But I
6 don't know that he can testify to what Quest
7 understood.

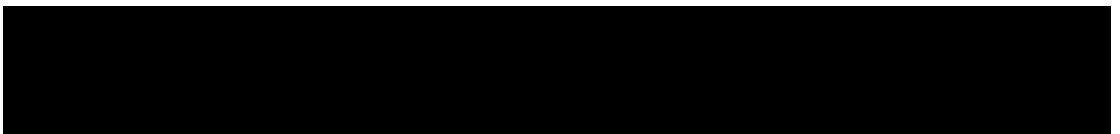
8 MR. THOMAS: You can answer.

9 A. From my perspective, we were seeking
10 to provide the minimal -- minimum amount necessary
11 for them to perform their job.

12 

16 MR. JOYCE: Objection. Form.

17 MR. STRAM: Same objections.

18 

20 Q. And then at your number two you
21 write, procedure test data. Well, let me first
22 ask you this. What is the difference between
23 procedure test data and diagnosis data?

24 A. Diagnosis data indicates why a
25 patient was having lab work. Procedure or test

1 data indicates what is the lab work that was
2 performed.

3 Q. Got it. So the diagnosis data came
4 from whoever referred them to Quest?

5 A. Both items required an ordering
6 clinician to determine why a service is needed,
7 that's diagnosis. And what service is needed,
8 that's the procedure. But ordering clinician
9 provides both.

10 Q. Got it. And diagnosis data, would
11 that be a T code?

12 A. No.

13 Q. What would the code related to
14 diagnosis be?

15 A. ICD 9 or ICD 10 is the common
16 terminology for diagnosis data.

17 Q. That's what I meant. And CPT would
18 refer to the procedure?

19 A. Yes.

20

21

22

23

24 Q. Okay. And again, do you know what
25 you meant by both major agencies here?